IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.33931 of 1998

Dated: September 19, 2006

Between:

Itrajula Syama Sundara Rao, S/o. Seetharamayya,
Aged 39 years, Main Road, Kotabommali,
Srikakulam District, and others.

... Petitioners

And

The Commissioner and Director of School Education,
Andhra Pradesh, Hyderabad, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in not considering the applications of the petitioners for the posts of Educational Volunteers on the ground that they have crossed the age of 35 years as illegal and arbitrary.

2. Pursuant to the notification issued by the Commissioner and Director of School Education, the first respondent herein, petitioners, 8 in number, are said to have applied for the posts of Educational

Volunteers. The grievance of the petitioners is that their cases are not being considered for appointment to the said posts on the ground that they are over-aged though there is no such restriction of upper age limit.

3. Though no counter affidavit has been filed by the respondents, learned Government Pleader, on instructions, submits that the scheme under which Educational Volunteers were appointed was only for a period of one year, i.e. 1998-99, and subsequently it has been discontinued.

4. This court, while admitting the writ petition, by order dated 04-12-1998, passed interim orders in W.P.M.P.No.41715 of 1998 directing the respondents to consider the applications of the petitioner to the posts of Educational Volunteers in accordance with the said scheme.

5. In view of the fact that the very scheme is no longer in existence and certain vacancies notified were already filled up, no directions as sought for can be given at this stage.

6. In the circumstances, I dispose of the writ petition directing the respondents to continue the petitioners as per the terms of appointment and applicable rules if their cases were considered for appointment pursuant to the interim orders of this court dated 04-12-1998. No order as to costs.

JUSTICE R. SUBHASH REDDY.

September 19, 2006
MRR